UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1998/1181
16 December 1998

ORIGINAL: ENGLISH

LETTER DATED 16 DECEMBER 1998 FROM THE CHARGE D'AFFAIRES A.I. OF THE UNITED STATES MISSION TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Coalition forces have begun operations against military targets in Iraq. Our ongoing military action is substantial. We are attacking Iraq's weapons of mass destruction programmes and its ability to threaten its neighbours.

Coalition forces are acting under the authority provided by the resolutions of the Security Council. This action is a necessary and proportionate response to the continued refusal of the Iraqi Government to comply with the resolutions of the Security Council and the threat to international peace and security which Iraq's non-compliance represents. In carrying out this action, our forces have taken appropriate measures to defend themselves from any interference by Iraq, and have made every possible effort to avoid civilian casualties and collateral damage.

As the Council is well aware, this resort to military force was undertaken only when it became evident that diplomacy had been exhausted. The coalition acted out of necessity, and the Government of Iraq bears full responsibility for the consequences of this military operation. We did not act precipitately. On the contrary, the United States of America has worked with its partners in the Security Council over the past months in a sincere and sustained effort to bring about a peaceful resolution of the confrontation created by Iraq. For reasons best known to Saddam Hussein, Iraq chose to reject that effort.

Following the liberation of Kuwait from Iraqi occupation in 1991, the Security Council, in its resolution 687 (1991) of 3 April 1991, mandated a ceasefire; but it also imposed a number of essential conditions on Iraq, including the destruction of Iraqi weapons of mass destruction and acceptance by Iraq of United Nations inspections.

In its resolutions - including, in addition to resolution 687 (1991), resolutions 707 (1991) of 15 August 1991, 715 (1991) of 11 October 1991, 1154 (1998) of 2 March 1998, 1194 (1998) of 9 September 1998, 1205 (1998) of 5 November 1998 and others - the Council has elaborated and reiterated those conditions, including "full, final and complete disclosure" of all aspects of

its programmes to develop weapons of mass destruction, and "immediate, unconditional and unrestricted access" for the United Nations Special Commission (UNSCOM) and the International Atomic Energy Agency (IAEA) "to any and all areas, facilities, equipment, records and means of transportation which they wish to inspect." Iraqi compliance with all these requirements is a fundamental element of international peace and security in the region.

Nevertheless, Iraq has repeatedly taken actions which constitute flagrant, material breaches of these provisions. On a number of occasions, the Council has affirmed that similar Iraqi actions constituted such breaches, as well as a threat to international peace and security. In our view, the Council need not state these conclusions on each occasion.

Just one month ago, on 14 November 1998, the Government of Iraq committed itself to providing full and unconditional cooperation with UNSCOM, as required by Security Council resolutions. The Iraqi Government described it as a "clear and unconditional decision by the Iraqi Government to resume cooperation with UNSCOM and IAEA." Iraq stated that the weapons inspectors could "immediately resume all their activities according to the relevant resolutions of the Security Council." It must be noted that Iraq rescinded its restrictions on UNSCOM and IAEA and offered those assurances only in the face of a credible threat of force. Military force was not employed at that time, however, because the United States, along with other members of the Security Council, sought a peaceful resolution to the situation created by Iraq and opted to go the extra mile to test Iraqi intentions.

In that event, Iraq failed to fulfil its assurances. As the UNSCOM report of 15 December 1998 makes clear, Iraq failed to provide the full cooperation it promised on 14 November, and thus left UNSCOM unable to conduct the substantive disarmament work mandated to it by the Security Council.

By refusing to make available documents and information requested by UNSCOM within the scope of its mandate, by imposing new restrictions on the weapons inspectors and by repeatedly denying access to facilities which UNSCOM wished to inspect, Iraq, once again, acted in flagrant and material breach of Security Council resolution 687 (1991).

Following Iraq's repeated, flagrant and material breaches of its obligations under Security Council resolutions 687 (1991), 707 (1991), 715 (1991), 1154 (1998), 1194 (1998), 1205 (1998) and others - in addition to its failure to fulfil its own commitments - the coalition today exercised the authority given by the Security Council in its resolution 678 (1990) of 29 November 1990 for Member States to employ all necessary means to secure Iraqi compliance with the Council's resolutions and to restore international peace and security in the area. Any Iraqi attempt to attack coalition forces or to initiate aggressive action against a neighbouring State will be met with a swift response by the coalition.

Iraq's policy of unremitting defiance and non-compliance necessitated the resort to military force. The United States did not seek a confrontation and did not undertake this decision lightly. The coalition now looks to the highest level of the Iraqi leadership for an immediate demonstration of unconditional compliance with the terms of the Security Council resolutions.

(Signed) A. Peter BURLEIGH
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